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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,139	08/28/2001	Joel Kahn	1086	5902

7590                    07/30/2003  
Kirschstein, Ottinger, Israel & Schiffmiller, P.C.  
489 Fifth Avenue  
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[REDACTED] EXAMINER

KOYAMA, KUMIKO C

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER  
2876

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/941,139	KAHN ET AL.
Examiner	Art Unit	
Kumiko C. Koyama	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 30-39, 41 and 42 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 30-39, 41 and 42 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### *Amendment*

1. Acknowledgement has been made of receipt of Amendment filed on July 01, 2003.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30-34, 37-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 6,327,570) in view of Maggard et al (US 6,021,362) and Koenck et al (US 5,218,187).

Re claim 30, 32, 33, 37 and 39: Stevens teaches a personal agent device 11, serving as a first portable reader and containing a wireless transceiver (col 17 line 52) and a barcode scanner (col 6 lines 17-20). The personal agent device 11 scans the barcode off a product that would yield a stock number, serving as a first symbol data (col 6 lines 26-28). Stevens also teaches that the personal agent conveys the stock number to the professional unit over the in-store wireless system (col 10 lines 11-17). Stevens further teaches that the personal agent could interface directly with the point of sale terminal at checkout feeding in a complete list of purchased barcode stock numbers to the point of sale terminal avoiding the necessity for the store to rescan each item (col 10, lines 38-48). Such disclosure teaches that the point of sale terminal receives

Art Unit: 2876

the first symbol data. The professional unit, serving as a second reader, can act as a point of sale terminal and scan barcodes (col 18 lines 6-7). Stevens teaches that the professional unit is connected to an in-store array of wireless transceivers to allow wireless communication within the store (col 17 lines 41-45). Stevens also teaches that the professional unit is coupled with an existing store processor or computer system 92 through a coaxial cable (col 17 lines 11-16).

Stevens fails to disclose second symbol data produced by reading a second coded symbol, transmitting the second symbol data over a wired connection to a host computer for processing the second symbol data and transmitting the first symbol data to the host computer for processing the first symbol data.

Maggard teaches that the UPC code of the each product is read by the scanner 16 and transmitted to the host computer 18 (col 9 lines 55-60). The host computer 18 then compares each UPC code from the check-out counter 12 to the UPC product codes and qualifiers contained in each sample/premium file stored in the memory (col 10 lines 4-8).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Maggard to the teachings of Stevens in order to check the price of the product in the store's computer and verify whether or not the price is correct to provide the customer with accurate pricing and information on the product.

Stevens as modified by Maggard fails to teach that the reception is within the second reader and configuring the wireless connection between the first and second readers by mounting wireless transceivers in the first and second readers.

Koenck teaches a hand-held data collection terminal unit having a bar code scanner and a transceiver mounted on the terminal (col 9 lines 32-46).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Koenck to the teachings of Stevens as modified by Maggard and have bar code readers including transceivers mounted therein in order to provide as direct transmission as possible in order to avoid corruption to the data caused by noise during the transmission, therefore providing a more accurate data retrieval system.

Re claim 31 and 38: Stevens teaches that the personal agent device 11 is carried by the participating consumer (col 6 lines 1-2) and that the user scans the barcode off of the product.

Re claim 34 and 41: Stevens discloses that the in-store local wireless communications system is a radio frequency (RF) system (col 3 line 26).

4. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Koenck as applied to claim 30 above, and further in view of Hayosh (US 6,212,504). Stevens/Maggard/Koenck have been discussed above.

Stevens/Maggard/Koenck fails to teach decoding the first and second symbol data prior to transmission to the host computer.

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Hayosh teaches decoding of the symbol from the scanned image of the check or like document using a software algorithm that decodes the bar code while the image is stored in DRAM memory just prior to compression and subsequent transmission of the image data (col 9 lines 62+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Hayosh to the teachings of Steven/Maggard/Koenck so that symbol can be decoded before the symbol is corrupted by

transmission and therefore, the symbol can be decoded in its most accurate form, which provides a more accurate reading/data of the symbol.

5. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Koenck as applied to claim 30 above, and further in view of Goldman et al (US 6,036,094). Stevens/Maggard/Koenck have been discussed above.

Stevens/Maggard/Koenck fails to disclose decoding the first and second symbol data in the host computer.

Goldman teaches that a two-dimensional bar code symbol for subsequent decoding in a host computer (col 2 lines 62+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Goldman to the teachings of Steven/Maggard/Koenck because the bar code may be encoded with data that may require a large amount of resource, such as memory and processing speed, and also may require further processing with the code or data obtained. The modification provides these necessary resources by decoding the symbol data in the host computer, and thus provide a faster service.

6. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Koenck as applied to claim 42 above, and further in view of Hayosh and Goldman. Stevens/Maggard/Koenck have been discussed above.

Stevens/Maggard/Koenck fails to teach a decoder in one of the readers.

Hayosh teaches that a bar code reader that can decode symbols (col 9 lines 43-44).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Hayosh to the teachings of

Steven/Maggard/Koenck so that symbol can be decoded before the symbol is corrupted by transmission and therefore, the symbol can be decoded in its most accurate form, which provides a more accurate reading/data of the symbol.

Stevens/Maggard/Koenck/Hayosh fails to teach a host computer for decoding the first and second symbol data.

Goldman teaches that a two-dimensional bar code symbol for subsequent decoding in a host computer (col 2 lines 62+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Goldman to the teachings of Steven/Maggard/Koenck/Hayosh because the bar code may be encoded with data that may require a large amount of resource, such as memory and processing speed, and also may require further processing with the code or data obtained. The modification provides these necessary resources by decoding the symbol data in the host computer, and thus provide a faster service.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 30-42 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's response to "Stevens does not disclose that data read by the personal agent (or first reader) is communicated to the host via the professional unit (or second reader)." As indicated in the previous Office Action mailed March 06, 2003, the rejection was based on the combination of Stevens and Maggard. Stevens teaches that a bar code information is transmitted from the personal agent device to the professional unit. And Maggard teaches that

Art Unit: 2876

a bar code information may be transmitted from a bar code reader to a host computer. Although Stevens suggests that the professional unit is in communication with a computer or host, the examiner provided Maggard as a support and clarification that specifically discloses the capabilities of the professional unit that best suits with the described or given claims in the present application.

The Applicant has amended the claims to include the limitation “receiving the first symbol data over the wireless communication in the second reader.” However, Stevens teaches that the personal agent sends the bar code scanned information to the professional unit to avoid rescanning of the bar code, which teaches that the professional unit receives the bar code scanned information. Stevens also describes a wireless communication that is used with the system. Therefore, Stevens as modified Maggard and Koenck still read on the claimed invention.

The Applicant has amended the claims to include the limitation of “wireless transceivers respectively mounted in the first and second readers.” However, Stevens as modified by Maggard and Koenck still read on the claimed invention. Although Stevens suggest a wireless communication used with his system, his disclosure lacks to specifically disclose that the barcode reader devices include a transceiver. However, it is well known in the art to include transceivers in bar code readers and such fact is supported by the presentation of Koenck. Therefore, Stevens as modified by Maggard and Koenck still read on the claimed invention.

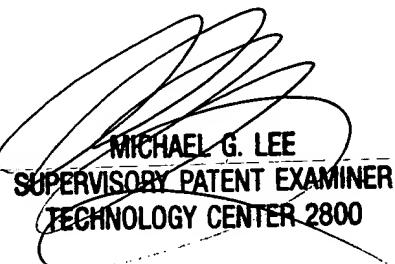
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*Kumiko C. Koyama*  
Kumiko C. Koyama  
July 28, 2003

  
MICHAEL G. LEE  
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